

Barbara:

I am writing to comment on the proposed revision to Canon 3(b)(9).

If a judge is permitted to file a written statement and any time subsequent to making a decision in a pending case, does that start anew the running of the time for filing an interlocutory or final appeal? Especially if the initial decision contained little if any stated reasons for it, and the later filed written memorandum stated new or different or previously unarticulated grounds for it. It would seem only fair that the parties be able to assess the soundness of the new written memorandum and then have an opportunity to file and pursue an interlocutory or even a final appeal, even though the interlocutory appeal, for example, may have already been decided.

Respectfully submitted,

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(received via e-mail on Monday May 19)